

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 15,926
	)	
Appeal of	)	
	)	

INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare terminating her Food Stamp benefits because she is over income for the program.

FINDINGS OF FACT

1. The petitioner, her husband, and two children received Food Stamps as a household of four persons prior to April 1, 1999. Before February, 1999, the sole source of income to the household was the husband's unemployment benefits of \$1,182.50 a month. This was well below the maximum gross income limitation of \$1783 a month for a household of four.

2. In January, 1999, the petitioner also began receiving unemployment compensation of \$ 1,062.10 a month, which, when added to her husband's unemployment benefits, produced \$2,240 a month income for the household, an amount well in excess of the \$1,783 four-person household maximum.

3. On February 23, 1999, the Department notified the petitioner that she would not be eligible for any Food Stamps as of April 1, 1999 based on this increase in household income. The petitioner did not appeal this decision at that time.

4. On March 11, 1999, the petitioner gave birth to a baby. When she reported this to the Department, the Department determined that the household income was still in excess of the gross income test for even a five-person household. The petitioner appealed because she feels the additional household member should have made the family eligible for Food Stamps.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Food Stamp regulations, all unemployment benefits are countable as unearned income. F.S.M. § 273.9(b). That total gross income is then subjected to a gross income test to determine eligibility. F.S.M. § 273.9(a). The gross income eligibility standard at present is \$2,086 for a household of five. P-2590 C.

As noted above, as of the date of the Department's actions in this matter, the petitioner's and her husband's unemployment benefits totaled \$2,244 a month, which is higher than the maximum gross income allowed under the regulations. Inasmuch as the Department's action terminating her Food Stamp benefits conforms with the regulations, the Board is bound to uphold it. 3 V.S.A. §

3091(d).

At the hearing in this matter, held on April 28, 1999, the petitioner informed the Department that her unemployment benefits were ending that week. The petitioner was advised to reapply on the basis of this change in circumstances.

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